

SAMPLE FOIA LETTER TO FEMA THAT THE SUN SENTINEL USED. NOTE: BE SURE TO ASK FOR THE ADDRESS OF EACH RECIPIENT AS WELL AS THE INFORMATION BELOW. AS A RESULT OF OUR LAWSUIT AGAINST FEMA, THAT INFORMATION IS NOW PUBLIC.

Oct. 12, 2005

Mr. Jeff Ovall
FOIA Specialist
FEMA General Counsel's Office
500 C Street, S.W. Room 840
Washington, D.C. 20472

sent via email and US mail

Dear Mr. Ovall:

Thank you for responding to my Freedom of Information Act request of Sept. 22, case number 05-337.

This letter is to request updated Hurricane Katrina individual claims information from the date of the storm, Aug. 29, 2005, through the date you compile the data, now sometime after Oct. 12, 2005.

Under the Freedom of Information Act, we are seeking an electronic copy from the NEMIS database of FEMA's individual claims records for Hurricane Katrina -- DR-1603, 1604 and 1605 -- for the Individual and Household programs for the following states: Alabama, Louisiana and Mississippi.

Please include data fields for the following, by individual: Disaster number, Zip Code, County, Registration ID, Category of Assistance, Assistance Status, Assistance Type, Assistance Status Detail, Eligibility Date, Approved Date, Eligible Amount, Determination Type, and Ownership Status. Also include the Line Item Description, Quantity Recorded, SBA Status, Water Level, Cause of Damage, Insurance Status for Line Item, Personal Property Item Description, Clothing, Miscellaneous Item Description, Generic Room Description, Essential Tool Description, Real Property Damage Item Description, Damage Level, Item Amount and Damage Type.

Please also include a field that indicates whether a person was reimbursed for each item (TV, washer, dryer, etc.) that was verified by inspectors as a loss. In previous FOIA requests, this information has not been provided nor has any explanation been given.

Please include the name of the applicant, age, address, gender, date of claim, name and ID number of the inspector, inspector comment field, and all other fields not specifically requested.

In order that we receive the most current data available, please provide the records from the date of the storm, Aug. 29, 2005, to the date that you gather the information to fulfill this request.

I am requesting that you provide the information electronically in ASCII or .dbf format. If neither of these formats is practical or feasible, please contact me to arrange an alternative. Please include a record layout for the database tables and a key to any coding used.

I am asking that you email the information to me at momatz@sun-sentinel.com. If that is not possible, I request that you put the files onto a disk or disks and send them overnight via FedEx. You may charge the shipping to our FedEx account: #0333 03823.

If you need any clarification on this request, please contact me.

Please confirm that you have received this letter.

The newspaper also is asking that you expedite this request.

An agency must grant expedited processing of a FOIA request made by a person engaged in disseminating information when there is an urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. 552(a)(6)(E); ACLU v. U.S. Dep't of Justice, 321 F. Supp. 2d 24, 28 (D.D.C. 2004). Three factors are relevant to whether there is an urgency to inform:

(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity. ACLU, 321 F. Supp. 2d at 29. For example, in ACLU, the District Court reversed the denial of expedited processing of request for number of times the FBI compelled disclosure of records in Patriot Act investigations. The court stressed that the request implicated "important individual liberties and privacy concerns which are of immediate public interest in view of the ongoing debate regarding the renewal and/or amendment of the Patriot Act. Id.

The Sun-Sentinel's request deserves expedited processing. First, I am a reporter for the South Florida Sun-Sentinel. Therefore, the request is being made by a member of the media and a person regularly engaged in disseminating information. Additionally, the request clearly covers federal government activity and the distribution of federal funds to disaster victims.

It cannot be disputed that there is an urgency to inform the public in this matter. The Sun-Sentinel's request relates to the distribution of emergency aid to Hurricane Katrina victims. Numerous newspaper articles (both in Florida and nation-wide) have questioned the aid provided in Florida and around the nation. Government leaders investigated the distribution of aid in Florida and found systemic abuses. Requests for aid, amounts paid and whether aid is going to those truly in need are undoubtedly matters of current exigency to the American public.

Indeed, delaying a response to the Sun-Sentinel's FOIA request would

significantly compromise its ability to report on such issues in a timely fashion. The Gulf Coast was recently hit with the most devastating hurricane of our time. The amount of money provided to disaster victims as a result will no doubt easily surpass any other disaster in our nation's history. That aid is being distributed now and we are still in the midst of hurricane season. If there is a problem in who is receiving such aid, it should be uncovered and fixed in the most expeditious manner possible. Delaying a response would hinder this laudatory goal. This is an unfolding story and in this case, news delayed truly would be news denied.

Simply put, there is the utmost urgency to inform the public about the distribution of federal disaster aid. As such, expedited processing of the FOIA request is warranted.

Thank you,

Megan O'Matz
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